

# In the Supreme Court of the United States

OCTOBER TERM, 1970

---

No. 1028

---

UNITED STATES OF AMERICA, PETITIONER

v.

DIMAS CAMPOS-SERRANO

---

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE SEVENTH CIRCUIT

---

## INDEX

---

	Page
Docket entries.....	2
The indictment.....	9
Motion to dismiss the indictment.....	10
Motion to suppress alien registration card and statements.....	12
Transcripts of hearing on motions to dismiss.....	14
Transcript of trial and Government Exhibits 1 and 2 (in part).....	16
Order allowing appeal in forma pauperis.....	122
Opinion of the court of appeals.....	124
Judgment of the court of appeals.....	130
Order of the court of appeals denying a petition for rehearing and suggestion for rehearing en banc.....	130
Order of the Supreme Court granting certiorari.....	131

(1)

CRIMINAL DOCKET  
UNITED STATES DISTRICT COURT

JUDGE LYNCH

88CR-732①

17645 1

D. C. Form No. 100-1 Rev.

## TITLE OF CASE

THE UNITED STATES

vs.

D' DIMAS CAMPOS-SERPANO  
a/k/a DIMAS VARGAS-GARCIA

## ATTORNEYS

For U.S.:

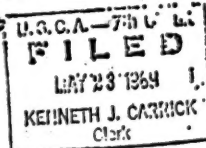
Thomas A. Foran, U.S. Atty  
D.R. Mackenzie, Asst.

For Defendant:

John J. Cleary  
1155 E. 60th St.

STATISTICAL RECORD	LISTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed	Clerk				
J.S. 3 mailed	Marshal				
Violation	Docket fee				
Title					
Sec.					
PROCEEDINGS					
DATE					

VIOLATION:  
Possession of forged and counterfeited alien registration  
receipt card  
Sec. 1546, T. 18, U. S. C. - 1 count



Date	PROCEEDINGS
12-5-69	Filed Indictment (JS2)
12-5-69	Filed Designation
12-5-69	Order indictment returned in open court, bench warrant to issue and bond fixed at \$2,500.00 - Campbell, J.
12-5-69	Issued bench warrant with copy of indictment to U.S. Marshal ho
12-10-68	Filed bench warrant returned executed. ca
12-16-68	Attorney Hohn Cleary appointed to represent defendant. Plea of not guilty entered. Cause continued to January 6, 1969 for trial before Judge Lynch. On motion of defendant bond reduced to \$1,000.00. - Austin, J. ca Mailed notices 12-17-68
1/6/69	Order leave to defendant to file motions by January 14, 1969 and cause continued to January 16, 1969, 4:30pm for status report and to set for trial. Lynch, J. G Mailed notice 1/7/69
1-6-69	Filed order appointing counsel for defendant - John J. Cleary
1-13-69	Filed 3 motions, to dismiss, suppress & suppress confessions & statements
1-16-69	Order leave to the government to file brief in reply to the defendant's motions within one week. Cause continued to Jan. 29, 1969 at 10 A.M. for decision on the motions. - Lynch, J. k Mailed notices 1-20-69
1-23-69	Filed Government's answer to the motion of the defendant Dimas Campos-Serrano to dismiss the indictment.
1-23-69	Filed Government's answer to defendant's motion to suppress confession and statements.
1-23-69	Filed Government's answer to defendant's motion to suppress. ca
1-29-69	Order motion of defendant to dismiss denied. Motions to suppress evidence set for hearing Monday February 3, 1969 2:00 P.M. Leave to Government to amend his answers to the motions to suppress. - Lynch, J. ca Mailed notices 1-30-69
1-3-69	Filed memorandum in support of Government's answer to defendant's motion to suppress and to defendant's motion to suppress confession and statements. ca
2-4-69	Evidence heard on defendant's motions to suppress evidence and continued to February 5, 1969 2:00 P.M. for arguments. - Lynch, J. ca Mailed notices 2-6-69
2-6-69	Further evidence heard and concluded. Arguments heard. Order motion to suppress evidence of the Alien Registration Card denied. On the question of the defendant's confession and admissions on the car, the motion is granted. The defendant's motion to dismiss is denied. Cause set for trial March 24, 1969 10:00 A.M. - Lynch, J. ca Mailed notices 2-7-69

CONTINUED

DIKAS CAMPOS-SERRANO  
-2-

68 CR 732

(3)

DATE	PROCEEDINGS	
2-24-69	Order cause continued to March 3, 1969 10:00 A.M. for trial. - Lynch, J. Mailed notices 2-25-69	ca
3-3-69	Order cause continued to March 4, 1969 10:00 A.M. for trial. - Lynch, J. Mailed notices 3-4-69	ca
3-4-69	Cause called for trial. Evidence heard. Government rests. Motion defendant for judgment of acquittal at close of Government's case denied. Defendant rests. Motion of defendant for judgment of acquittal at close of all evidence denied. The Court finds the defendant guilty as charged in the indictment. Order defendant committed to the Attorney General of the United States for a period of three (3) years. Execution of Sentence suspended and defendant placed on probation to the Chief Probation Officer of this court for a period of three (3) years, on condition that he return to Mexico and not return to United States illegally. Defendant remanded to the Immigration and Naturalization Service for disposition in accord with this order of deportation entered November 22, 1968. Motion of defendant for new trial and in arrest of judgment overruled. Motion of defendant for leave to appeal in forma pauperis denied as frivolous. - Lynch, J. DRAFT (JSJ) ca Mailed notices 3-5-69	
3-4-69	Filed Motion for leave to proceed in forma pauperis on appeal	\$5pdca
3-4-69	Filed Defendant's notice of appeal.	
3-5-69	Mailed certified copy of Order entered March 4, 1969, copy of notice of appeal and docket entries to the U. S. C. A. 7th Circuit	
3-6-69	Issued 3 certified copies of Judgment and commitment to the U. S. Probation Office.	
3-5-69	Filed waiver of trial by jury	ca
3-5-69	Waiver of Jury trial executed and approved in open Court. - - Lynch, J. Mailed notices 3-7-69	ca
4-9-69	Filed certified copy of order entered on April 7, 1969 by the U. S. C. A. 7th Circuit granting defendant leave to proceed on appeal in forma pauperis, and further directing the official Court reporter to prepare transcript of proceedings without costs to defendant, costs to be paid by the administrative office of the U. S. Courts.	ca
4-9-69	Issued 2 certified copies of order entered April 7, 1969 to the official Court reporter.	ca
4-17-69	Filed certified copy of order entered by the U. S. Court of Appeals on April 15, 1969 extending time in which to complete record on appeal.	ca
5-1-69	Filed certified corrected copy of order entered by the U. S. C. A. 7th Circuit on April 7, 1969 granting defendant leave to proceed in forma pauperis, directing Official Court Reporter to transcribe all pretrial, trial and post trial proceedings at no	CONT

DATE	PROCEEDINGS
	<p>cost to the defendant and further ordering the Clerk of the U. S. District Court to transmit to U. S. Court of Appeals, appointing John J. Cleary as attorney for defendant and waiving the printing of the Appendix and granting leave to file twelve 12 typewritten copies of brief for petitioner appellant with one copy to respondent-appellee</p>
5-22-69	<p>Filed Clerk's File Copy of Transcript of Proceedings had before the Honorable William J. Lynch, Judge on February 4, 6 and March 4, 1969 filed by the official Court Reporter (3 volumes)</p>